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6 Attorneys for Plaintiffs

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9 **(SAN FRANCISCO DIVISION)**

10 **In re: Bextra and Celebrex Marketing Sales
Practices and Product Liability Litigation**

11 **MDL No. 1699**

12 **District Judge: Charles R. Breyer
Magistrate:**

13 **RITA MCCLURE, individually, and on
behalf of ROGER MCCLURE, deceased,**

14 Plaintiff,

15 v.

16 **Pfizer, Inc., Pharmacia Corp., and
G.D. Searle & Co.,**

17 Defendants.

18 Case No. C 06 4597 CRB

19 **STIPULATION AND PROPOSED
ORDER OF DISMISSAL WITHOUT
PREJUDICE AS TO PLAINTIFF RITA
MCCLURE, INDIVIDUALLY AND, ON
BEHALF OF ROGER MCCLURE,
DECEASED**

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21 Comes now the Plaintiff, Rita McClure, individually and on behalf of the Estate of Roger
22 McClure ("Plaintiff"), and Defendants Pfizer, Inc., Pharmacia, Corp., and G.D. Searle & Co.
23 ("Defendants"), by and through the undersigned attorneys, pursuant to Federal Rule of Civil
24 Procedure, Rule 41(a), and hereby stipulate to the dismissal of the plaintiff Rita McClure's claims
25 without prejudice with each side bearing its own attorneys' fees and costs.

26
27 This Stipulation and Order, does not affect any claims on behalf of the following named
28 Plaintiffs:

1. Joseph Sabol, Case No. C 06 4597 CRB
2. Gilbert Pedroza Case No. C 06 4597 CRB
3. James Richards, Sr, Case No. C 06 4597 CRB
4. James Root, Case No. C 06 4597 CRB
5. Wanda Talbot Case No. C 06 4597 CRB
6. Irene Gibson, individually, and on behalf of the Estate of Frank Gibson Case No. C 06 4597 CRB
7. Elizabeth Fields, individually and on behalf of the Estate of George Fields Case No. C 06 4597 CRB

Plaintiff agrees to re-file any and all claims against Defendants, in a United States District Court.

Court.

Dated: May 7, 2007

Respectfully submitted

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Attorney for the Defendants

Dated: May 17, 2007

Respectfully submitted

By: TCW
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ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER having come before this Court on the Parties Stipulation of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a), it is hereby ORDERED AND ADJUDGED:

This matter is dismissed without prejudice with each side bearing its own attorneys' fees and costs.

DONE AND ORDERED this 25th day of May 2007, in San Francisco, California.

Conformed copies to:
B. Kristian W. Rasmussen, Esquire
Stuart M. Gordon, Esquire

